



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

TEAMSTERS LOCAL 633 OF NEW HAMPSHIRE :

Petitioner :

and :

TOWN OF NORTH HAMPTON, NEW HAMPSHIRE :

Respondent :

CASE NO. M-0646

DECISION NO. 91-59

#### APPEARANCES

#### Representing Teamsters Local 633 of New Hampshire:

Thomas D. Noonan, Business Agent

#### Representing Town of North Hampton:

Robert R. Tawney, Consultant

#### Also appearing:

Richard Crowley, Chairman

Mary Herbert, Selectman

Robert Harris

Bruce I. Golden

On April 11, 1991, Teamsters Local 633 of New Hampshire (Teamsters) filed a petition for a certification of a bargaining unit for public employees in the Town of North Hampton, New Hampshire (Town) a description of unit petitioned is as follows; police chief, fire chief, police officers, highway department employees, public works director, comptroller, administrative assistant, secretaries, deputy town clerk/tax collector and building inspector/health officer.

The Town by its negotiator Robert R. Tawney on April 18, filed an objection to the request for certification more specifically the Town objects to supervisors and employees being in the same proposed bargaining unit, and the inclusion in the bargaining unit employees from different disciplines and crafts contrary to the principles of community of interest requirement in addition states that the employees do not have the same conditions of employment and further that the petition as presented lacks specificity and accuracy as to the positions identified. The Town requested denial of the petition.

Hearing in this matter was conducted at the Town Hall in North Hampton on

August 9, 1991 by hearing officer, Edward J. Haseltine.

All parties were present at this hearing, the Board of Selectmen, representative of the Teamsters Union and other town employees.

The number of employees petitioned was reviewed in detail, the following positions are still to be included in the petition; police chief, fire chief, nine police officers instead of twelve, two highway drivers instead of four, public works director, comptroller, administrative assistant one, secretaries one instead of four, deputy town clerk/tax collector one and the building inspector/health officer.

Evidence indicates a sufficient number of signature cards submitted to meet the requirements of 273-A:10-1 requiring 30%.

In opening comments Noonan for the Teamsters indicated that all personnel employed by the Town receive the same benefits provided by the town and did in fact possess a community of interest because of the general nature of the size of the smaller community. Noonan indicated the three special police officers were not included in the petition.

Negotiator for the Town, Tawney made reference to the Town's objection to the unit and alleged that certain sergeants in the police department have supervisory responsibility. Also contended the same was true of the deputy chief of police. Further indicated that the testimony indicated that the deputy chief in the Police department works a regular shift along with the other police officers and the scope of his supervisory responsibility was basically limited to that of direction of the shift. The duties do not appear to support the deputy chief having significant supervisory responsibility over people who work in the police department other than at such time the chief is absent, vacation or other purposes.

Testimony with respect to the public works director indicated that he evaluated his employees on occasions limited in number and made only recommendations to the selectmen, this individual does not exercise significant supervision over the employees and frequently operates the equipment and works along with the other public works employees on a day to day basis.

The Town objected to the inclusion of the administrative assistant on the basis of confidentiality. It is a requirement generally of this Board to consider confidentiality a reason for exclusion whenever such position is required to become involved in labor negotiations under 273-A.

The representative for the Teamsters agreed to exclude the administrative assistant from the unit petitioned on the basis there could be some degree of confidentiality exercised with respect to labor negotiations.

The basic objections of the town stated that there was no community of interest between the various departments and many of which were not of the same craft.

The job descriptions of all of the various positions were submitted in evidence and reviewed in detail. Also introduced as evidence was a new legislative enactment of 1991 regarding the appointment of the deputy town clerk by the elected town clerk. The duties and responsibilities of the building inspector were discussed in detail. Statements were made by the Chairman of the Board of Selectmen, Mr. Crowley and member of the Board of Selectmen Mary Herbert. Statements were made by various town employees represented in the audience along with the chief of police and the chief of the fire department.

After considering all the exhibits and testimony offered at the hearing, the following findings are made with respect to this petition.

1. There appears to be from verbal testimony offered at the hearing, a sense of community of interest with all town employees in the town of North Hampton. Further all are dedicated to the best interest of the community. In this instance a finding of community of interest exists for all the employees petitioned.
2. The Deputy Chief in the police department works a regular shift, along with the regular patrolmen, along with the sergeant performing the same functions.

Supervisory responsibility is not final in any instance other than temporary authority to suspend an officer subject to any incident being reported to the chief who has final jurisdiction.

Evaluations made by various people included in the unit are customary and only advisory in nature and are not the final evaluation of any employee.

3. There is a desire on the part of the public employees petitioning themselves of the benefits bestowed upon public employees by 273-A. This was evidenced by testimony of individuals at the hearing. The responsibility and the duties of the police chief and the fire chief were discussed at length and it is found that the police chief and fire chief do in fact exercise very significant supervisory responsibility and cannot be included in the petitioned bargaining unit.
4. This Board has on prior instances included public employees in a community not involved in the same craft however, in most instances they all come under the same benefit provisions and employed by the same employer and generally have similar work schedules and conditions.

ORDER

Included in the unit: Police officers, Drivers and Laborers in Highway Department, Public Works Director, Controller, Secretary, Deputy Town Clerk/Tax Collector and Building Inspector/Health Officer.

Excluded: Police Chief, Fire Chief, Administrative Assistant and Special Officers.

Signed this 11th day of September, 1991.

  
EDWARD J. HASELTINE, Chairman  
Hearing Officer